

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et
al.*,

Debtors.¹

PROMESA
Title III
No. 17 BK 3283-LTS
(Jointly Administered)

**NOTICE OF CORRESPONDENCE REGARDING THE THREE HUNDRED FIRST
OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE COMMONWEALTH OF
PUERTO RICO, THE PUERTO RICO HIGHWAYS AND TRANSPORTATION
AUTHORITY, AND THE EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO TO
MISCELLANEOUS DEFICIENT CLAIMS**

To the Honorable United States District Judge Laura Taylor Swain:

1. On March 12, 2021, the Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Highways and Transportation Authority (“HTA”), and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth and HTA, the “Debtors”), by and through the Financial Oversight and

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Commonwealth pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² filed the *Three Hundred First Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Highways and Transportation Authority to Miscellaneous Deficient Claims* [ECF No. 16021] (the “Three Hundred First Omnibus Objection”) to various proofs of claim.

2. The Three Hundred First Omnibus Objection seeks to disallow certain deficient claims (the “Deficient Claims”) which purport to assert obligations of the Commonwealth, ERS or HTA, but either (i) failed to provide any information identifying the nature or source of the obligations or explaining why the Commonwealth, ERS, HTA or any other Title III debtor is liable to the claimant, or (ii) identified the nature or source of the obligations, but failed to explain how the Commonwealth, ERS, HTA or any other Title III debtor is liable to the claimant. Moreover, a Mailing³ was sent to each of the claimants who filed Deficient Claims requesting additional information and supporting documentation, but virtually all of the claimants did not respond.

3. The Debtors have received the attached correspondence from:

- Norma Mangual Rodríguez (“Mangual Rodríguez”), a copy of which is attached hereto as Exhibit “A” (the “Mangual Rodríguez Response”), regarding Proof of Claim No. 177692 (the “Mangual Rodríguez Claim”); and
- Lucia Torres Delgado (“Torres Delgado”), a copy of which is attached hereto as Exhibit “B” (the “Torres Delgado Response,” and together with the Mangual Rodríguez Response, the “Responses”) regarding Proof of Claim No. 175178 (the “Torres Delgado Claim,” and together with the

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

³ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Three Hundred First Omnibus Objection.

Mangual Rodríguez Claim, the “Claims”).

Certified English translations of the Mangual Rodríguez Response and the Torres Delgado Response are attached as Exhibits “A-1” and “B-1,” respectively.

I. The Mangual Rodríguez Response

4. The Mangual Rodríguez Response consists of a copy of a completed Mailing, in which Mangual Rodríguez asserts that she is a plaintiff in the litigation captioned *Francisco Beltrán Cintrón et al. v. Puerto Rico Department of Family Affairs*, Case No. KAC-2009-0809 (the “Beltrán Cintrón Litigation”). Mangual Rodríguez Response at 2-4.

5. The attorney representing all plaintiffs in the Beltrán Cintrón Litigation filed Proofs of Claim Nos. 179140 and 93199 (the “Beltrán Cintrón Master Claims”) on behalf of all plaintiffs in the Beltrán Cintrón Litigation. The attorney representing all plaintiffs also submitted a *Verified Statement Pursuant to FRBP 2019 of the Beltrán-Cintrón Plaintiff Group* [ECF No. 3403], providing the name, address, and amount of disclosable economic interests for each member of the plaintiff group. Mangual Rodríguez is listed as a plaintiff in the Beltrán Cintrón Litigation on that verified statement. Further, neither the Mangual Rodríguez Claim nor the Manual Rodríguez Response appears to list any additional liabilities or bases for liability beyond what is included in the Beltrán Cintrón Master Claims. Accordingly, the Mangual Rodríguez Claim is duplicative of the Beltrán Cintrón Master Claims.

6. Because the Mangual Rodríguez Claim is duplicative of the Beltrán Cintrón Master Claims, the Debtors respectfully request that the court disallow the Mangual Rodríguez claim in its entirety. Any failure to disallow the Mangual Rodríguez Claim will result in Mangual Rodríguez potentially receiving an unwarranted double recovery to the detriment of other stakeholders in these Title III Cases. Mangual Rodríguez will not be prejudiced by the disallowance of her claim because the liabilities associated with the Mangual Rodríguez Claim are

subsumed within the liabilities asserted by the Beltrán Cintrón Master Claims.

II. The Torres Delgado Response

7. The Torres Delgado Response consists of a copy of a completed Mailing. Therein, Torres Delgado asserts liabilities purportedly arising from “money owed for raises,” including money purportedly owed as a result of “Act 89 – July 1979, Uniform Compensation, and Act 89 – July 1995, ‘El Romerazo[.]’” Torres Delgado Response at 1. Further, Torres Delgado identifies “Puerto Rico Telephone Co. PR Commonwealth” as the agency for which she worked. *Id.*

8. The Puerto Rico Telephone Company, however, is not a Title III debtor. Rather, the Puerto Rico Telephone Company was a former government entity which has subsequently been privatized and, accordingly, is no longer in existence. Neither the Torres Delgado Response nor the Torres Delgado Claim provides a basis for asserting a claim against the Commonwealth or any other Title III debtor in respect of amounts owed by the Puerto Rico Telephone Company. Accordingly, because Torres Delgado has not provided a basis for asserting the liabilities associated with the Torres Delgado Claim against the Debtors, the Debtors respectfully request the Torres Delgado Claim be disallowed in its entirety.

9. Accordingly, the Debtors respectfully request that the Court grant the Three Hundred First Omnibus Objection and disallow the Claims, notwithstanding the Responses.

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Dated: January 5, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

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